IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3330 of 2000

Date of Decision: 28-04-2005

DHIRUBHAI MOHANBHAI VAMJA

Versus

KANTILAL GIRDHARLAL GANDHIA

(for full cause title, see next sheet)

Coram:

The Hon'ble Mr.Justice Bhawani Singh, Chief Justice

The Hon'ble Mr.Justice H.K.Rathod, Judge

Whether approved for reporting?

For the Appellant Mr.B.G.Jani, Adv.

For Respondent-2 Mr.Sunit Shah, Adv.

PER: BHAWANI SINGH, CHIEF JUSTICE (ORAL):-

#. This appeal is directed against the award of Motor Accident Claims Tribunal (Aux.), Court No.9, Ahmedabad City, MACP No.943 of 1996 dated 27.6.2000.

#. This appeal is at the instance of claimant for enhancement of compensation. There is no appeal by Insurance Company challenging the award. Short question for determination is whether just compensation has been awarded. Therefore, adverting to detailed facts of the

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Whether reporters of Local Papers may be allowed to see the Judgment?

case is not necessary. Suffice it to record that the learned counsel for the appellant seeks enhancement under two heads, namely (i) pain, shock and suffering, and (ii) special diet and transportation. However, Shri Sunit Shah, learned counsel for the Insurance Company, submits that just compensation has been awarded. However, looking to the nature of injuries suffered by claimant, having been pressed between two vehicles, serious disfigurement of face and impairment of eyesight and hearing, he must have underwent serious pain, shock and suffering. Therefore, award of Rs.10,000/= under this head seems to be insufficient. It is accordingly enhanced to Rs.20,000/=. Similarly, he must have spent sufficient amount on special diet and transportation. Therefore, it is enhanced to Rs.15,000/=.

#. Therefore, appeal is allowed, award is modified. Claimant is held entitled to enhanced compensation of Rs.15,000/= with interest at the rate of 12% p.a. from the date of application till payment. Insurance Company is directed to make payment to the claimant within a month. Cost of this Court on parties.

(BHAWANI SINGH)
CHIEF JUSTICE

(H.K.RATHOD)
JUDGE

(sunil)